

REMARKS/ARGUMENTS

Claims 3, 5 and 7 have been amended. Claim 40 has been added. Claims 1, 2, and 9-19 are cancelled. Upon entry of the above amendments, claims 3-8 and 20-40 will be pending. It is respectfully submitted that no new matter has been introduced and no new issues have been raised as a result of the above amendments to the claims. Support for the amendments may be found throughout the specification. Furthermore, it is respectfully submitted that Applicants' amendment is in compliance with 37 C.F.R. 1.173(b)-(g) and 37 C.F.R. 1.121(i). Reconsideration and allowance of the subject application based on the following remarks is respectfully requested.

Preliminary, Applicant thanks the Examiner for following up with the Applicant in a timely manner regarding the Final Office Action that was mailed to the incorrect address and agreeing to re-issue the Final Office Action following the interview of September 6, 2007.

Claims 1, 3-8 and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kishida et al. (JP 59-38253A). Applicant respectfully disagrees.

Applicant previously argued in its February 7, 2007, response to the above rejection that the balance of comonomer and crosslinker in the present invention provides exceptional results. Briefly, Applicant stated that a "combination of comonomer in the narrow range as claimed, *i.e.*, '12 to about 20 weight percent' in conjunction with a crosslinker in the range as claimed, *i.e.*, 'more than 0.4 weight percent to about 1.0 weight percent,' specifies an exceptional composition. See Figure 1." (see Response dated February 7, 2007).

The Examiner maintained his rejection stating that Applicant has failed to teach the "nature of the monomeric composition" used in Fig. 1, and thus "it is unclear what polymer particles are used." (see page 2 of the Final Office Action mailed September 17, 2007). Attached is a Declaration Under 37 C.F.R. § 1.132 of Fareeduddin Farooq ("Declaration") that identifies the ingredients and size of the polymer particles used in the monomeric composition, making it clear what particles were used in Figure 1. Thus, Applicant respectfully request reconsideration of this rejection.

Claims 1, 3-8, and 20-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kishida further taken with Buser. Applicant directs the Examiner attention to the Declaration and the exceptional composition that is achieved when combining comonomer and crosslinker in the claimed ranges. Thus, Applicant respectfully requests reconsideration of these rejections.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

JONES DAY

By: 

Ted J. Ebersole
Registration No. 51,641
Direct No. (202) 879-3646

Paul L. Sharer
Registration No. 36,004
Direct No. (202) 879-5481

Intellectual Property Group
51 Louisiana Avenue, NW
Washington, D.C. 20001
(202) 879-3939 Telephone
(202) 626-1700 Facsimile
Date: January 17, 2008